

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

SHELLY DEVRIES,

3:13-cv-01001-PK

Plaintiff,

ORDER

v.

**ADVANCED AMERICAN
CONSTRUCTION, INC.
TOM SEUBERT, GRAYSON
HART, LABORERS' LOCAL
791, LABORERS' LOCAL 335**

Defendants.

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BROWN, Judge.

Magistrate Judge Paul Papak issued Findings and Recommendation (#52) on February 3, 2014, in which he recommends this Court deny Defendant Laborers' Local 335's Motion (#40) to Dismiss Plaintiff's Amended Complaint for Lack of Personal Jurisdiction. Local 335 filed timely Objections (#55) to the Findings and Recommendation on February 18, 2014. This matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

**PORTIONS OF THE FINDINGS AND RECOMMENDATION
TO WHICH THERE ARE NO OBJECTIONS**

Neither party objects to the portions of the Magistrate Judge's Findings and Recommendation in which he found (1) Local 335 did not waive its argument as to personal jurisdiction despite failing to file a motion to dismiss within 21 days of service and (2) Local 335's agreement with the Oregon-Columbia Chapter of the Association General Contractors of America is insufficient to subject Local 335 to specific personal jurisdiction in Oregon.

The Court, therefore, is relieved of its obligation to review the record *de novo* as to these portions of the Findings and Recommendation. *See Shiny Rock Min. Corp. v. U.S.*, 825 F.2d 216, 218 (9th Cir. 1987). *See also Lorin Corp. v. Goto & Co.*,

700 F.2d 1202, 1206 (8th Cir. 1983). Having reviewed the legal principles *de novo*, the Court does not find any error in these portions of the Findings and Recommendation.

**PORTIONS OF THE FINDINGS AND RECOMMENDATION
TO WHICH PLAINTIFF OBJECTS**

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). See also *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (*en banc*); *United States v. Bernhardt*, 840 F.2d 1441, 1444 (9th Cir. 1988).

Local 335 objects to the portion of the Findings and Recommendation in which the Magistrate Judge concluded personal jurisdiction over Local 335 exists because Local 335 purposefully availed itself of the privileges of conducting activities in Oregon when it voluntarily undertook an investigation of Plaintiff's dispute with an Oregon employer. In its Objections Local 335 essentially reiterates the arguments contained in its Memorandum (#42) and Reply (#50) in support of its Motion to Dismiss.

This Court has carefully considered Plaintiff's Objections and concludes they do not provide a basis to modify the Findings and Recommendation. The Court also has reviewed the pertinent

portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation.

CONCLUSION

The Court **ADOPTS** Magistrate Judge Papak's Findings and Recommendation (#52) and, therefore, **DENIES** Local 335's Motion (#40) to Dismiss Plaintiff's Amended Compliant for Lack of Personal Jurisdiction.

IT IS SO ORDERED.

DATED this 9th day of May, 2014.



ANNA J. BROWN
United States District Judge